

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TURNELL CORP., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:07CV1169 CDP
)	
UNITED STATES FIDELITY &)	
GUARANTY CO.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before me following my in camera privilege review of defendant's claim diary. Although I ordered defendant to provide "a coherent, detailed explanation of what privileges it believes properly apply," the only document accompanying the claim diary was a letter from defense counsel stating that the redacted portions "pertain to direct communications with me, actions taken by Traveler's employees acting on my advice or the file reserves." Although this one-sentence explanation does not comply with my Order, I do not need to wait for a detailed log because many of the entries were improperly redacted anyway. Actions of a client are not privileged, and there is no special privilege for "file reserves."¹ It appears that defendant redacted anything that mentioned "counsel"

¹Nor is the amount or fact of payment to counsel privileged, so I am ordering those redacted entries to be disclosed also.

without a determination of whether the entry was actually privileged.

Based on my review, the following redacted entries must be disclosed to plaintiffs:

page 5

page 6, last entry (defense counsel's letter admits that this entry was improperly redacted)

page 7, first three sentences only

page 8, second entry

page 9, first entry

page 9, last entry

page 17, third entry, last sentence only

page 18, first entry

page 19, all entries except the first one

page 20, first entry, third entry and last entry, first sentence only

page 21, all entries


page 22- first entry, first line only; second entry, last line only; third entry

page 23, all entries except fourth entry, last two sentences only

Accordingly,

IT IS HEREBY ORDERED that defendant shall provide the information

required by this Order no later than **ten (10) days from the date of this Order.**



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of November 2007.